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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

Michael Lacey, *et al.*,

Defendants.

No. CR-18-422-PHX-SMB

**DEFENDANTS' UNOPPOSED
MOTION TO EXTEND DEADLINE
FOR REPLY ON MOTION
TO DISMISS INDICTMENT**

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Counsel for Defendant Scott Spear

1 The government moved for a three-week extension of the deadline for its
2 response to Defendants' motion to dismiss the indictment. Doc. 554. The
3 government's motion correctly notes that counsel for the parties conferred and
4 Defendants agreed not to oppose the government's extension request, while the
5 government agreed not to oppose Defendants' corresponding request for an extension
6 to June 17, 2019 to file their reply.

7 In the communications between counsel, the government proposed that it have
8 45 pages for its response brief, and Defendants agreed not to oppose such a request if
9 the government similarly would agree not to oppose Defendants' request for 25 pages
10 for their reply. The government stated that it was premature to stipulate to the length
11 of the reply brief at that time (as the Court had not ruled regarding page limits for the
12 motion and response), and the parties accordingly did not reach agreement in this
13 regard.

14 By order dated May 3, 2019, the Court granted the government's extension
15 request, setting the deadline for the government's response to the motion to dismiss as
16 May 27, 2019. Doc. 557. The Court's order did not expressly address the
17 government's request for additional pages, but Defendants understand the Order to
18 have granted the government's request for 45 pages, in that the Court indicated it was
19 "granting the United States' motion." *Id.*

20 At the same time, the Court further ordered that Defendants' reply on the
21 motion to dismiss would be limited to 20 pages. Defendants ask that the Court allow
22 25 pages for the reply brief, given the length of the Government's response and the
23 importance of the constitutional issues presented by the motion to dismiss.

24 Defendants therefore respectfully request that the Court grant Defendants (a) an
25 extension until June 17, 2019 to file their reply on the motion to dismiss (Doc. 561),
26 and (b) leave to file a reply of up to 25 pages.

27 DATED this 6th day of May, 2019.
28

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s/ Bruce Feder

Attorney for Scott Spear

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2019, a true and correct copy of the foregoing document was electronically filed with the Clerk of the United States District Court of the District of Arizona by using the CM/ECF system, and that service will be accomplished by the CM/ECF system to all counsel of record.

s/ James C. Grant
Attorney for Michael Lacey and James Larkin